

AMENDMENTS

In the Claims

Please cancel claims 11-74.

REMARKS

I. Status of Claims

Claims 1-74 are pending in the application. Claims 11-74 are withdrawn pursuant to a restriction requirement, and are canceled herein. Claims 1-6 have been examined as reading on applicants elected species, and claims 7-10 stand withdrawn (see Appendix A). Claims 1-6 stand rejected under 35 U.S.C. §112, second paragraph. The specific grounds for rejection, and applicants response thereto, are set out in detail below.

II. Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 1-6 are rejected under §112, second paragraph. The examiner states that applicants have not complied with the sequence listing requirements by failing to refer to sequences referenced in the claims by their corresponding SEQ ID NO. Applicants traverse.

The examiner cites 37 C.F.R. §1.821(d) as authority for her position. However, that rule states that:

Where the description or claims of a patent application discuss a sequence that is set forth in the “Sequence Listing” in accordance with paragraph (c) of this section, reference must be made to the sequence by use of the sequence identifier, preceded by “SEQ ID NO:” in the text of the description or claims, even if the sequence is also embedded in the text of the description or claims of the patent application.

(Emphasis added). However, this paragraph is inapplicable since there is no sequence *per se* in claims 1-3 or 5 (claims 4 and 6 contain the appropriate SEQ ID NOs), nor are there corresponding sequences listed in the Sequence Listing. It is also worth noting that 37 C.F.R. §1.821(c), referred to in §1.821(d), only speaks to nucleotide and/or amino acid sequences, not generic references to proteins or regions thereof.

Applicants further note that failure to comply with 37 C.F.R. §1.821(d) would appear to merit, at most, an objection, and would not create any issue of “definiteness” under 35 U.S.C. §112, second paragraph. To the extent that the examiner is, in fact, arguing that the claims are unclear without reference to a particular sequence, applicants traverse this finding as well. The examiner has offered no evidence that one of skill in the art would not know what was intended by applicants when they refer to RhoA, or a region thereof. RhoA is mentioned in 372 articles published prior to July of 1998,¹ roughly the filing date of the provisional application to which the present application claims benefit. In fact, the sequence referenced in the present application (page 15, lines 1-3; g08960) was published in 1987 (Yeramian *et al.*, “Nucleotide sequence of human rho cDNA clone 12” *Nucleic Acids Res.* 15(4):1869) – over a decade before the filing of the relevant provisional application here. Thus, there is little question that those of skill in the art know what this protein is.

In light of the preceding discussion, applicants submit that there is no rule that requires a sequence listing or sequence listing identifier for claims 1-3 and 5. Reconsideration and withdrawal of the rejection is, therefore, respectfully requested.

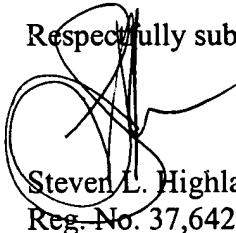
¹ Based on a PubMed search using “RhoA” as the search term.

III. Rejoinder of Withdrawn Claims 7-10

Applicants respectfully remind the examiner that claims 7-10 were withdrawn pursuant to an election of species requirement advanced in Paper No. 16, mailed May 10, 2000. Pursuant to 37 C.F.R. §1.141, applicants are entitled to consideration of these additional species at such time as generic claim 1 is allowed. Applicants believe that claim 1 is now in condition for allowance, and respectfully request examination of withdrawn claims 7-10.

IV. Summary

In light of the preceding remarks, applicants respectfully submit that claims 1-10 are in condition for allowance, and an early indication to that effect is earnestly solicited. Should Examiner Scheiner have any questions regarding this response, she is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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Date: April 15, 2002

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APPENDIX A: PENDING CLAIMS

1. An isolated peptide of about 7 to 100 amino acid residues comprising a viral fusion protein binding domain of the RhoA protein.
2. The peptide of claim 1, wherein said viral fusion binding protein domain comprises residues 67-109 of the RhoA protein.
3. The peptide of claim 1, wherein said viral fusion binding protein domain comprises residues 77 to 95 of the Rho protein.
4. The peptide of claim 3, further comprising the amino acid sequence Thr-Asp-Val-Ile-Leu-Met-Cys-Phe-Ser-Ile-Asp-Ser-Pro-Asp-Ser-Leu-Glu-Asn-Ile (SEQ. I.D. NO. 1).
5. The peptide of claim 1, wherein said viral fusion protein binding domain comprises residues 80-89 of the RhoA protein.
6. The peptide of claim 5, further comprising the amino acid sequence Ile-Leu-Met-Cys-Phe-Ser-Ile-Asp-Ser-Pro (SEQ. I.D. NO. 2).
7. An isolated peptide of about 7 to 100 amino acid residues comprising a RhoA binding domain of the F glycoprotein of respiratory syncytial virus.
8. The isolated peptide of claim 7, further comprising amino acid residues 9 to 18 of the F1 subunit of the F glycoprotein of respiratory syncytial virus.
9. An isolated peptide of about 7 to 100 amino acid residues comprising a RhoA binding domain of the glycoprotein gp41 of the human immunodeficiency virus.
10. The isolated peptide of claim 9, further comprising amino acid residues 29-50 of HIV gp41.